

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. In particular, Applicant claims that the on-site media service data includes data from an off-site broadcaster that instructs an on-site media system to record the content data without intervention of a user. No new matter has been added as a result of these amendments because support for the amendments can be found, *intra alia*, on page 41, lines 1-11.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 103***

##### **Claims 16, 18-29, and 41-42**

Claims 16, 18-29, and 41-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks, et al., U.S. Patent 5,798,785 (previously cited) in view of Alexander et al., U.S. Patent No. 6,177,931 (previously cited), Barton, et al., U.S. Patent 6,233,389 (previously cited) and Grossman et al., U.S. Patent No. 5,798,785 (previously cited).

Hendricks discloses a system that delivers television programs to a reprogrammable set top terminal. The terminal presents menus to the viewer suggesting programs to view based on the user's indicated preferences.

Alexander discloses an electronic programming guide that provides that ability for the user to select future scheduled television programs to record.

Barton discloses simultaneously storing and watching different broadcast television programs.

Grossman discloses displaying an image, such as an advertisement, during the time in between channel changes.

Claim 16, as amended, recites on-site media service data that includes data from an off-site broadcaster that instructs an on-site media system to record the content data

without user intervention. The Examiner admits that Hendricks does not disclose data from an off-site broadcaster that instructs an on-site media system to record the content data. Moreover, Hendricks teaches that the user chooses which programs to view. Thus, Hendricks cannot teach or suggest data from an off-site broadcaster that instructs an on-site media system to record the content data without user intervention as claimed.

Instead of Hendricks, the Examiner relies on Alexander as disclosing data from an off-site broadcaster that instructs an on-site media system to record the content data. However, the section of Alexander relied upon by the Examiner discloses an electronic program guide that is controlled by the user to select programs to record. Therefore, Alexander cannot teach or suggest data from an off-site broadcaster that instructs an on-site media system to record the content data without user intervention as claimed.

Because Barton is directed to storing and displaying television programs and does not disclose instructions being sent down to the set top box that instruct the set top box to record these programs, Barton cannot be properly interpreted as teaching or suggesting the claimed element.

Grossman is directed to displaying advertisements during channel and, thus, cannot teach or suggest instructing an on-site media system to record content data as claimed.

Therefore, the combination of Hendricks, Alexander, Barton, and Grossman cannot render obvious Applicant's claim 16 and claims 16, 18-29, and 41-42 that depend from it. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

## **SUMMARY**

Claims 16, 18-29, and 41-42 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x7514.

### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

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